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CV 00-01277 #00000020

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LODGED RECEIVED

OCT 29 2001

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

BY
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PERRY MADSEN,

Plaintiff,

v.

JUDGE PHILLIPS, et al ,

Defendants

No C00-1277P

ORDER ON MOTION TO
REOPEN AND/OR
RECONSIDER

By prior Order, the Court dismissed plaintiff's § 1983 action for failure to state a claim upon which relief could be granted Dkt No 14 Plaintiff appealed the order of dismissal, and the Court entered a finding that the appeal was not taken in good faith. Dkt. No 17 The Court of Appeals for the Ninth Circuit subsequently dismissed plaintiff's appeal Dkt No 18

Plaintiff now brings a motion to "reopen/reconsider" Dkt No 19 The Court construes this motion as a request for reconsideration of the Order dismissing plaintiff's case. Motions to reconsider will generally not be granted absent "a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to [the Court's] attention earlier with reasonable diligence" Local Rule CR 7(e) Plaintiff has identified no error in the Court's prior ruling Accordingly, the motion to reconsider is DENIED.¹

C to C, mTP

¹ To the extent that this motion is for reconsideration of the Court's denial of plaintiff's right to appeal, that motion is also DENIED

1 Plaintiff also asks that the Court appoint counsel for him The Court declines to do so
2 in the absence of any pending case Should plaintiff bring an action for relief in this Court,
3 the Court will consider any properly filed request for counsel In addition, the Court notes
4 that plaintiff has brought a motion in King County Superior Court seeking the appointment
5 of counsel to assist him in bringing a motion for release from confinement. See Dkt. No 19,
6 and attachments This Court cannot rule upon a motion brought before a Superior Court
7 judge The Court therefore declines to reach the substance of plaintiff's request for the
8 appointment of counsel in his Superior Court matter

9 Dated this 26 day of Oct., 2001.

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13 Marsha J Pechman
14 United States District Judge
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